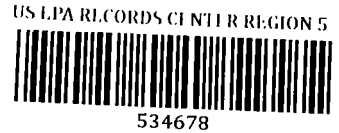




AUG 08 2017

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Sabatino
General Counsel
Aetna Inc.
151 Farmington Avenue
Hartford, Connecticut 06156

Re: Request for Information Pursuant to Section 104(e) of CERCLA
U.S. Smelter and Lead Refinery, Inc. Superfund Site
Site Spill Identification Number: 053J

Dear Mr. Sabatino:

This letter seeks the cooperation of Aetna Inc. ("Aetna" or "Respondent" or "you") in providing information and documents relating to contamination at the U.S. Smelter and Lead Refinery, Inc. Superfund Site ("USS Lead Site" or "Site") in East Chicago, Indiana.

The residential area of the Site consists primarily of single family homes and a public housing complex, construction of which occurred over the last century and paralleled the rise of industrial enterprise in the surrounding area.

The United States Environmental Protection Agency ("EPA") has determined that lead and arsenic particles from neighboring industrial sources contaminated residential soils within the Site. That contamination may pose a risk to human health and the environment. EPA is now in the process of addressing that contamination. This information request is part of that process.

EPA is seeking information regarding insurance policies that may cover the activities which resulted in the contamination, and may finance EPA's current response activities. EPA believes that you might have information that may assist the agency in its efforts. Specifically, information available to EPA indicates that The Aetna Casualty and Surety Company issued at least one policy (No. 72AL9602, for the period November 2, 1964, to November 2, 1965) to either U.S. Smelter and Lead Refinery, Inc., or its parent company at the time, U.S. Smelting Refining and Mining Company.

We encourage you to give this matter your immediate attention and request that you provide a complete, accurate and truthful response to the enclosed questions (Enclosure C) within thirty (30) calendar days of your receipt of this letter. Instructions and Definitions (Enclosures A and B, respectively) as well as a Declaration (Enclosure D) also have been enclosed to assist you with completing your response.

Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), gives the EPA information gathering authority that allows the EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at facility or transported to facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While the EPA seeks your cooperation in this investigation, compliance with this request for information is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the agency in its investigation of the Sites or may be responsible for the contamination at the Sites, that information should be submitted within the time frame noted above.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Your response to this request for information should be mailed to:

Leonardo Chingcuanco (C-14J)
U.S. Environmental Protection Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Sites or the status of cleanup activities, please visit EPA's website <https://www.epa.gov/uss-lead-superfund-site>. You also may contact me at (312) 886-7236, or chingcuanco.leonardo@epa.gov.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a horizontal stroke and a small loop.

Leo Chingcuanco
Office of Regional Counsel

Enclosures

- A Instructions
- B Definitions
- C Requests
- D Declaration

Enclosure A
Information Request
USS Lead Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this Information Request and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information (“CBI”) must be segregated out and submitted in a separate folder or on a separate compact disc (“CD”). These documents must be clearly marked as “Confidential Business Information.”

If providing your response electronically, it must be submitted on a CD in Portable Document Format (“PDF”) and comply with the following requirements:

(a) CBI and personal privacy information (“PII”) should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled.

(b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.

(c) Electronic PDF files must be text-searchable.

(d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret,” “proprietary” or “company confidential”. Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by the EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by the EPA, it may be made available to the public by the EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. The EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. The EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within twenty (20) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information.” You should note, however, that unless prohibited by law, the EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you

are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any

privilege, any facts contained in the document that are responsive to the Information Request must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
USS Lead Site

DEFINITIONS

1. The terms “agreement” and “arrangement” means every separate contract, transaction, or invoice, between two or more persons, whether written or oral.
2. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
3. The terms “document” and “documents” mean any method of recording, storing or transmitting information. “Document” includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
4. The term “facility” shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.
5. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.
6. The term “identify” means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation,

partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

7. The term “identify” means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.

8. The term “person” shall have the same definition as that contained in Section 101(21) of CERCLA, and includes an individual, firm corporation, association, partnership, consortium, joint venture, U.S. government, State, municipality, commission, political subdivision of a State or any interstate body.

9. The term “property” means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.

10. The term “you” or “Respondent” means Aetna Inc., its subsidiaries, and their predecessors in interest, together with their agents, employees, and contractors.

Enclosure C
Information Request
USS Lead Site

REQUESTS

1. Identify the respondent(s) to these questions.
2. Identify all persons consulted in the preparation of the answers to this request for information.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.
4. For each and every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.
5. Provide copies of all casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent's predecessors) to the U.S. Smelter and Lead Refinery, Inc. or the U.S. Smelting Refining and Mining Company from 1906 to present, or the U.S. Metals Refining Company from 1906 to 1920, including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
6. If there are any casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent's predecessors) to the U.S. Smelter and Lead Refinery, Inc. or the U.S. Smelting Refining and Mining Company from 1906 to present, or the U.S. Metals Refining Company from 1906 to 1920, of which you have any evidence, or of which you are aware, but neither posses copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence or per accident policy limits of each policy;
 - d. Whether each such policy is "primary" or "excess"; and
 - e. The commencement and expiration dates of such policy.
7. To the extent not identified in Questions 5 or 6 above, provide all other evidence of casualty, liability and/or pollution insurance issued the U.S. Smelter and Lead Refinery, Inc. or the U.S. Smelting Refining and Mining Company from 1906 to present, or the U.S. Metals Refining Company from 1906 to 1920.
8. For each policy of insurance identified in Questions 5, 6, or 7 above, provide all underwriting files, claim files, loss control files, and premium audits, as well as any

accounting records including retrospective rating adjustments, for each such policy.

9. Provide all documents and files that constitute, evidence, refer, or relate to claims made by the U.S. Smelter and Lead Refinery, Inc., the U.S. Smelting Refining and Mining Company, or the U.S. Metals Refining Company under any of the policies identified in Questions 5, 6, or 7.
10. Identify all previous settlements by Respondent (or Respondent's predecessors) with the U.S. Smelter and Lead Refinery, Inc., the U.S. Smelting Refining and Mining Company, or the U.S. Metals Refining Company which relate in any way to environmental liabilities and/or to casualty, liability and/or pollution insurance coverage, including:
 - a. The date of the settlement;
 - b. The scope of release provided under such settlement; and
 - c. The amount of money paid by Respondent pursuant to such settlement.Provide copies of all such settlement agreements.
11. Identify all insurance agencies or brokerage firms that placed any casualty, liability and/or pollution insurance policies issued by Respondent (or Respondent's predecessors) to the U.S. Smelter and Lead Refinery, Inc. or the U.S. Smelting Refining and Mining Company from 1906 to present, or the U.S. Metals Refining Company from 1906 to 1920. Include the name, address, telephone number and time period when the agency placed insurance on behalf of the Respondent as well as the name and current whereabouts, if known, of individuals at the agency or brokerage firm with whom the Respondent communicated and the nature of the communication. If the Respondent believes no agency or brokerage firm was used to place casualty and/or liability and/or environmental insurance on behalf of the U.S. Smelter and Lead Refinery, Inc., the U.S. Smelting Refining and Mining Company, or the U.S. Metals Refining Company, provide an explanation of how such insurance was placed.

Enclosure D
Information Request
USS Lead Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2017.

Signature

Type or Print Name

Title